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25 Attorneys for Plaintiffs
BRIAN GUTHRIE and GRADY LEE HARRIS, JR.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

BRIAN GUTHRIE and GRADY LEE HARRIS,
JR., on behalf of themselves and all others
similarly situated,

Plaintiffs,

VS.

TRANSAMERICA LIFE INSURANCE COMPANY.

Defendant.

Case No. 3:21-cv-04688-WHO

**AMENDED STIPULATION AND
ORDER REGARDING BRIEFING
SCHEDULE ON MOTIONS TO
REMAND, TRANSFER AND DISMISS
(L.R. 6-1 AND 6-2)**

10 Pursuant to Northern District of California Civil Local Rules 6-1(b) and 6-2, Plaintiffs Brian
11 Guthrie and Grady Lee Harris, Jr. (“Plaintiffs”) and Defendant Transamerica Life Insurance
12 Company (“TLIC”), by and through their undersigned counsel of record, hereby stipulate and agree
13 that, subject to the Court’s approval, the Court set a briefing schedule on Plaintiffs’ Motion to
14 Remand, DKT No. 16, and set a contingent filing schedule for TLIC’s anticipated motion to transfer
15 this case to the Central District of California, and anticipated TLIC’s motion to dismiss the
16 Complaint, as follows:

WHEREAS, TLIC removed this case to Federal court on June 18, 2021, DKT No. 1;

18 WHEREAS, on June 24, 2021, the Parties filed a Stipulation to Extend the Time for TLIC
19 to Respond to the Complaint, DKT No. 10;

20 WHEREAS, the Stipulation extended the time for TLIC to move, plead or otherwise respond
21 to the Complaint to August 24, 2021, DKT No.10:

22 WHEREAS, on July 14, 2021, Plaintiffs filed a Motion to Remand this case to State court
23 that is scheduled for a hearing on September 8, 2021, DKT No. 16:

24 WHEREAS, if the Motion to Remand is denied, TLIC intends to file a motion to transfer
25 this case to the United States District Court for the Central District of California (the “Transfer
26 Motion”);

1 WHEREAS, once the issue of transfer is settled and the Parties have certainty as to the court
2 in which the case will proceed, TLIC also intends to file a Rule 12 motion to dismiss the Complaint
3 (the “Rule 12 Motion”);

4 WHEREAS, in the interests of judicial economy and to preserve the Court's and the Parties'
5 resources, the Parties agree that the Motion to Remand should be briefed and ruled on before TLIC
6 files its Transfer Motion, and that TLIC's Transfer Motion should be briefed and ruled on before
7 TLIC files its Rule 12 Motion;

8 WHEREAS, the Parties agree TLIC shall respond to the Motion to Remand by August 11,
9 2021, and Plaintiffs shall file their reply brief by August 25, 2021. This schedule is necessary in
10 light of the vacation schedules of counsel and to provide TLIC sufficient time to fully address the
11 issues raised by the Motion to Remand;

12 WHEREAS, the Parties agree that in the event the Motion to Remand is denied, TLIC shall
13 file its Transfer Motion within 28 days following the Court's Order denying the Motion to Remand;

14 WHEREAS, the Parties further agree that TLIC shall file its Rule 12 Motion within 28 days
15 following the Court's Order on TLIC's Transfer Motion;

16 WHEREAS, there has been one prior modification to the case in the Stipulation extending
17 the time TLIC has to move, plead, or otherwise respond to the Complaint, DKT No. 10; and

18 WHEREAS, there is not currently a scheduling order for this case so it will have no effect
19 on the schedule for the case.

STIPULATION

21 IT IS HEREBY STIPULATED AND AGREED between Plaintiffs and TLIC, through their
22 respective counsel of record, that:

23 (i) TLIC's August 24, 2021 responsive pleading deadline is stricken;
24 (ii) TLIC shall file an Opposition to the Motion to Remand on or before August 11, 2021,
25 Plaintiffs shall file their Reply Brief in Support of the Motion to Remand on or before

August 25, 2021. A hearing on the Motion to Remand is currently set for September 8, 2021;

- (iii) If Plaintiffs' Motion to Remand is denied, TLIC shall file its Transfer Motion within 28 days of the Court's Order on the Motion for Remand; and
- (iv) If Plaintiffs' Motion to Remand is denied, TLIC shall file its Rule 12 Motion within 28 days of the Court's Order on the Motion to Transfer.

IT IS SO STIPULATED.

Dated: July 20, 2021

COZEN O'CONNOR

By:/s/ Valerie D. Rojas

Valerie D. Rojas

Michael Rafalko (*Pro Hac Vice to be Filed*)

Wendy Enerson (*Pro Hac Vice to be Filed*)

Attorneys for Defendant

TRANSAMERICA LIFE INSURANCE COMPANY

Dated: July 20, 2021

FEINSTEIN DOYLE PAYNE & KRAVEC,
LLC

By:/s/ *Wyatt A. Lison*

Wyatt A. Lison

Joseph N. Kravec, Jr. (*Pro Hac Vice to be Filed*)

JOSEPH N. KRAVCEC, JR. (773) 526-1111 to be Faxed
Attorneys for Plaintiffs BRIAN GUTHRIE and

Attorneys for Plaintiffs BRIAN GUTHRIE and
GRADY LEE HARRIS, JR and the Proposed Class

Dated: July 20, 2021

BLAKEMAN LAW

By:/s/ *Benjamin Blakeman*

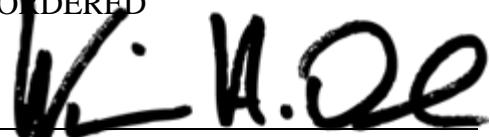
Benjamin Blakeman

Attorneys for Plaintiffs BRIAN GUTHRIE and

GRADY LEE HARRIS, JR.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED
2

3 Dated: July 21, 2021

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5 William H. Orrick
6 United States District Judge
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SIGNATURE ATTESTATION

Pursuant to the Northern District of California's Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from each of the other Signatories.

DATED: July 20, 2021

COZEN O'CONNOR

By: /s/ Valerie D. Rojas

Valerie D. Rojas